

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

XINRONG ZHUANG,

Plaintiff,

v.

BRIAN J. BENVIE, JR. et al.,

Defendants.

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Civil Action No. 14-cv-13076-IT

ORDER

May 4, 2016

TALWANI, D.J.

Upon de novo review, and after considering Plaintiff's Motion to Oppose the Revised Recommendation [#103] (hereinafter "Objections"), the court ADOPTS the Magistrate Judge's April 6, 2016 revised Report and Recommendation [#97].

Plaintiff's Objections misconstrue the December 8, 2015 Suffolk County Superior Court's ruling regarding the posting of a bond. [#76-24]. That ruling did not excuse Plaintiff from posting a bond. To the contrary, it states that "Plaintiff is required to file his bond 'with the clerk of the court in which the case is pending' G.L. c. 231, § 60B. Whether the Plaintiff has complied with the statute is a matter for the District Court to decide." (Emphasis in original).

Accordingly, for the reasons set forth in the Report and Recommendation, the Joint Motion of the Defendants, TAS-CGSMC, Inc., Steward Health Care System, LLC and UHS of Pembroke, Inc. d/b/a Pembroke Hospital, to Dismiss Plaintiff's Complaint for Failure to Post Statutory Bond [#75] is ALLOWED. Plaintiff's Motion to Oppose[] the Joint Motion of the Said Defendants, the TAS-CGSMC, Inc., Steward Health Care System, LLC and UHS of Pembroke, Inc., d/b/a Pembroke Hospital, and to Request this Court Deny Defendants' Request to Dismiss

Plaintiff's Complaint for Failure to Post "Statutory Bond," and Request this Court Grant to Waive or Reduce the Bond, and Request for Hearing [#83] is DENIED.

IT IS SO ORDERED.

May 4, 2016

/s/ Indira Talwani
United States District Judge